

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

WILTON IRVON LOMBARD, JR.,

Plaintiff,

v.

**NORTH RICHLAND HILLS POLICE
DEPARTMENT, *et al.*,**

Defendants.

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No. 4:22-cv-00784-O

ORDER

On September 2, 2022, pro se plaintiff Wilton Irvon Lombard, Jr. filed his Complaint (ECF No. 1). On the same day, Mr. Lombard filed his first Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 2). On October 6, 2022, U.S. Magistrate Judge Ray issued his Findings, Conclusions, and Recommendation (ECF No. 7) wherein he recommended denying Mr. Lombard's Application to Proceed in District Court Without Prepaying Fees or Costs. Twenty days later—well after the time to respond had expired without objection—the Court accepted Judge Ray's recommendation on October 26, 2022 and ordered Mr. Lombard to pay the requisite filing fees by November 2, 2022 (ECF No. 8). When Mr. Lombard still had not paid the required filing fees by November 9, 2022, the Court issued final judgment and dismissed the case without prejudice (ECF No. 9). One day later, on November 10, 2022, Mr. Lombard filed a second Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 10). Recognizing Mr. Lombard's status as a pro se plaintiff, the Court construes his second Application to Proceed in District Court Without Prepaying Fees or Costs as a motion to alter or amend a judgment under Federal Rule of Civil Procedure 59(e).

However, even under this generous reading of the Federal Rules of Civil Procedure, Mr. Lombard's latest motion must be **DENIED**. As a procedural matter, Mr. Lombard offers no legal basis upon which the Court may grant him the relief that he seeks. And as an impartial arbiter of the law, the Court cannot alter or amend a final judgment simply to give a plaintiff another bite at the apple.

In the alternative, the Court notes that the United States Magistrate Judge made Findings, Conclusions, and a Recommendation (ECF No. 13) on the merits of Mr. Lombard's second Application to Proceed in District Court Without Prepaying Fees or Costs. Significantly, the United States Magistrate Judge determined that Mr. Lombard still did not qualify for a waiver of filing fees. Given that no objections were filed, the District Judge reviewed the proposed Findings, Conclusions, and Recommendation for plain error. Finding none, the undersigned District Judge believes that the Findings and Conclusions of the Magistrate Judge are correct, and they are accepted as the Findings and Conclusions of the Court.

Accordingly, since Mr. Lombard's latest motion is both procedurally deficient and substantively meritless, it must be, and is hereby, **DENIED**. In light of this ruling, the Court reaffirms its earlier final judgment, and determines that this case shall remain closed.

SO ORDERED on this **28th day of December, 2022**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE